

**AMENDMENT TO H.R. 2356, AS REPORTED**  
**(SHAYS SUBSTITUTE)**

**OFFERED BY \_\_\_\_\_**

Add at the end of title II the following new subtitle:

1 **Subtitle C—Exemption of Commu-**  
2 **nications Pertaining to Vet-**  
3 **erans, Military Personnel, or**  
4 **Seniors**

5 **SEC. 221. FINDINGS.**

6 Congress finds the following:

7 (1) More than 42,000,000 men and women  
8 have served in the United States Armed Forces from  
9 the Revolution onward and more than 25 million are  
10 still living. Living veterans and their families, plus  
11 the living dependents of deceased veterans, con-  
12 stitute a significant part of the present United  
13 States population.

14 (2) American veterans are black and they are  
15 white; they are of every race and ethnic heritage.  
16 They are men, and they are women. They are Chris-  
17 tians, they are Muslims, they are Jews. They are fa-  
18 thers, mothers, sisters, brothers, sons and daugh-  
19 ters. They are neighbors, down the street or right  
20 next door. They are teachers in our schools, they are  
21 factory workers. They are Americans living today



1       who served in the armed services, and they are the  
2       more than 1,000,000 who have died in America's  
3       wars.

4           (3) America's veterans are men and women who  
5       have fought to protect the United States against for-  
6       eign aggressors as Soldiers, Sailors, Airmen, Coast  
7       Guardsmen and Marines. The members of our elite  
8       organization are those who have discharged their  
9       very special obligation of citizenship as servicemen  
10      and women, and who today continue to expend great  
11      time, effort and energy in the service of their fellow  
12      veterans and their communities.

13          (4) There is a bond joining every veteran from  
14      every branch of the service. Whether drafted or en-  
15      listed, commissioned or noncommissioned, each took  
16      an oath, lived by a code, and stood ready to fight  
17      and die for their country.

18          (5) American men and women in uniform risk  
19      their lives on a daily basis to defend our freedom  
20      and democracy. Americans have always believed that  
21      there are values worth fighting for—values and lib-  
22      erties upon which America was founded and which  
23      we have carried forward for more than 225 years,  
24      that men and women of this great nation gave their  
25      lives to preserve.



1           (6) It is the sacrifice borne by generations of  
2     American veterans that has made us strong and has  
3     rendered us the beacon of freedom guiding the  
4     course of nations throughout the world. American  
5     veterans have fought for freedom for Americans, as  
6     well as citizens throughout the world. They have  
7     helped to defend and preserve the values of freedom  
8     of speech, democracy, voting rights, human rights,  
9     equal access and the rights of the individual—those  
10    values felt and nurtured on every continent in our  
11    world.

12          (7) The freedoms and opportunities we enjoy  
13    today were bought and paid for with their devotion  
14    to duty and their sacrifices. We can never say it too  
15    many times: We are the benefactors of their sac-  
16    rifice, and we are grateful.

17          (8) Of the 25,000,000 veterans currently alive,  
18    nearly three of every four served during a war or an  
19    official period of hostility. About a quarter of the  
20    Nation's population—approximately 70,000,000 peo-  
21    ple—are potentially eligible for Veterans' Adminis-  
22    tration benefits and services because they are vet-  
23    erans, family members or survivors of veterans.

24          (9) The present veteran population is estimated  
25    at 25,600,000, as of July 1, 1997. Nearly 80 of



1 every 100 living veterans served during defined peri-  
2 ods of armed hostilities. Altogether, almost one-third  
3 of the nation's population—approximately 70,000,000  
4 persons who are veterans, dependents and survivors  
5 of deceased veterans—are potentially eligible for  
6 Veterans' Administration benefits and services.

7 (10) Care for veterans and dependents spans  
8 centuries. The last dependent of a Revolutionary  
9 War veteran died in 1911; the War of 1812's last  
10 dependent died in 1946; the Mexican War's, in  
11 1962.

12 (11) The Veterans' Administration health care  
13 system has grown from 54 hospitals in 1930, to in-  
14 clude 171 medical centers; more than 350 out-  
15 patient, community, and outreach clinics; 126 nurs-  
16 ing home care units; and 35 domiciliaries. Veterans'  
17 Administration health care facilities provide a broad  
18 spectrum of medical, surgical, and rehabilitative  
19 care.

20 (12) World War II resulted in not only a vast  
21 increase in the veteran population, but also in large  
22 number of new benefits enacted by the Congress for  
23 veterans of the war. The World War II GI Bill,  
24 signed into law on June 22, 1944, is said to have  
25 had more impact on the American way of life than



1 any law since the Homestead Act more than a cen-  
2 tury ago.

3 (13) About 2,700,000 veterans receive disability  
4 compensation or pensions from VA. Also receiving  
5 Veterans' Administration benefits are 592,713 wid-  
6 ows, children and parents of deceased veterans.  
7 Among them are 133,881 survivors of Vietnam era  
8 veterans and 295,679 survivors of World War II vet-  
9 erans. In fiscal year 2001, Veterans' Administration  
10 planned to spend \$22,000,000,000 yearly in dis-  
11 ability compensation, death compensation and pen-  
12 sion to 3,200,000 people.

13 (14) Veterans' Administration manages the  
14 largest medical education and health professions  
15 training program in the United States. Veterans'  
16 Administration facilities are affiliated with 107 med-  
17 ical schools, 55 dental schools and more than 1,200  
18 other schools across the country. Each year, about  
19 85,000 health professionals are trained in Veterans'  
20 Administration medical centers. More than half of  
21 the physicians practicing in the United States have  
22 had part of their professional education in the Vet-  
23 erans' Administration health care system.

24 (15) 75 percent of Veterans' Administration re-  
25 searchers are practicing physicians. Because of their



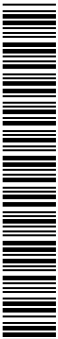
1 dual roles, Veterans' Administration research often  
2 immediately benefits patients. Functional electrical  
3 stimulation, a technology using controlled electrical  
4 current to activate paralyzed muscles, is being devel-  
5 oped at Veterans' Administration clinical facilities  
6 and laboratories throughout the country. Through  
7 this technology, paraplegic patients have been able  
8 to stand and, in some instances, walk short dis-  
9 tances and climb stairs. Patients with quadriplegia  
10 are able to use their hands to grasp objects.

11 (16) There are more than 35,000,000 persons  
12 in the United States aged 65 and over.

13 (17) Seniors are a diverse population, each  
14 member having his or her own political and eco-  
15 nomic issues.

16 (18) Seniors and their families have many im-  
17 portant issues for which they seek congressional ac-  
18 tion. Some of these issues include, but are not lim-  
19 ited to, health care, Social Security, and taxes.

20 (19) The First Amendment to the United  
21 States Constitution states that, "Congress shall  
22 make no law respecting an establishment of religion,  
23 or prohibiting the free exercise thereof; or abridging  
24 the freedom of speech, or of the press; or of the



1 right of the people to peaceably assemble, and to pe-  
2 tition the Government for a redress of grievances.”.

3 (20) The Supreme Court recognized and em-  
4 phasized the importance of free speech rights in  
5 *Buckley v. Valeo*, where it stated, “A restriction on  
6 the amount of money a person or group can spend  
7 on political communication during a campaign nec-  
8 essarily reduces the quantity of expression by re-  
9 stricting the number of issues discussed, the depth  
10 of their exploration, and the size of the audience  
11 reached. This is because virtually every means of  
12 communicating ideas in today’s mass society re-  
13 quires the expenditure of money. The distribution of  
14 the humblest handbill or leaflet entails printing,  
15 paper, and circulation costs. Speeches and rallies  
16 generally necessitate hiring a hall and publicizing  
17 the event. The electorate’s increasing dependence on  
18 television, radio, and other mass media for news and  
19 information has made these expensive modes of com-  
20 munication indispensable instruments of effective po-  
21 litical speech.”.

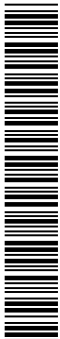
22 (21) In response to the relentlessly repeated  
23 claim that campaign spending has skyrocketed and  
24 should be legislatively restrained, the *Buckley* Court  
25 stated that the First Amendment denied the govern-



1       ment the power to make that determination: “In the  
2       free society ordained by our Constitution, it is not  
3       the government but the people—individually as citi-  
4       zens and candidates and collectively as associations  
5       and political committees—who must retain control  
6       over the quantity and range of debate on public  
7       issues in a political campaign.”.

8               (22) In *Buckley*, the Court also stated, “The  
9       concept that government may restrict the speech of  
10      some elements of our society in order to enhance the  
11      relative voice of others is wholly foreign to the First  
12      Amendment, which was designed ‘to secure the  
13      widest possible dissemination of information from di-  
14      verse and antagonistic sources,’ and ‘to assure un-  
15      fettered exchange of ideas for the bringing about of  
16      political and societal changes desired by the  
17      people’ ”.

18              (23) Citizens who have an interest in issues  
19      about or related to veterans, military personnel, sen-  
20      iors, and their families have the Constitutional right  
21      to criticize or praise their elected officials individ-  
22      ually or collectively as a group. Communications in  
23      the form of criticism or praise of elected officials is  
24      preciously protected as free speech under the First





1 Amendment of the Constitution of the United  
2 States.

3 (24) This title contains restrictions on the  
4 rights of citizens, either individually or collectively,  
5 to communicate with or about their elected rep-  
6 resentatives and to the general public. Such restric-  
7 tions would stifle and suppress individual and group  
8 advocacy pertaining to politics and government—the  
9 political expression at the core of the electoral proc-  
10 ess and of First Amendment freedoms—the very en-  
11 gine of democracy. Such restrictions also hinder citi-  
12 zens' ability to communicate their support or opposi-  
13 tion on issues concerning veterans, military per-  
14 sonnel, seniors, and their families to their elected of-  
15 ficials and the general public.

16 (25) Candidate campaigns and issue campaigns  
17 are the primary vehicles for giving voice to popular  
18 grievances, raising issues and proposing solutions.  
19 An election, and the time leading up to it, is when  
20 political speech should be at its most robust and un-  
21 fettered.



1 **SEC. 222. EXEMPTION FOR COMMUNICATIONS PERTAINING**  
2 **TO VETERANS, MILITARY PERSONNEL, OR**  
3 **SENIORS.**

4 None of the restrictions or requirements contained in  
5 this title or the amendments made by this title shall apply  
6 to any form or mode of communication to the public that  
7 consists of information or commentary regarding the  
8 statements, actions, positions, or voting records of any in-  
9 dividual who holds congressional or other Federal office,  
10 or who is a candidate for congressional or other Federal  
11 office, on any matter pertaining to veterans, military per-  
12 sonnel, or senior citizens, or to the immediate family mem-  
13 bers of veterans, military personnel, or senior citizens.

